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EXAMINER

STEELMAN, MARY J

ART UNIT

PAPER NUMBER

2122

DATE MAILED: 06/01/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/714,156

Applicant(s)

OGURA, KOUJIROU

Examiner

Mary J. Steelman

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>#4, 11/17/2000</u> . | 6) <input type="checkbox"/> Other: _____  |

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### **DETAILED ACTION**

1. This action is in response to Amendment B, filed 03/24/2004.
2. Per Applicant's request, claims 1-9 & 11-15 have been amended. Claim 10 is canceled. New claims 16 and 17 are added. Claims 1-9 & 11-17 are pending.

#### ***Information Disclosure Statement***

3. The English Abstracts of the IDS 11/17/2000 has been considered.

#### ***Drawings***

4. In view of the correction to and replacement of Figure 10, the objection in the former Office Action is hereby withdrawn.

#### ***Specification***

5. Per Applicant's request, the Specification has been amended at Page 1, line 20 to correct the spelling of "cached" and at beginning at page 7, line 22, to correct the spelling of CORBA.
6. The use of trademarks JAVA & CORBA have been noted in this application. They should be capitalized wherever they appear and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

#### ***Claim Objections***

7. Note that on page 5 of Amendment B, Claim 6 is amended to depend on claim 3. However, page 8, last paragraph, contradicts this by stating, "Claim 6 is amended to depend on claim 2..." Examiner will treat claim 6 as if it depends on claim 3.

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In view of the amendment to claim 14, the prior objection to claim 14 is hereby withdrawn.

***Claim Rejections - 35 USC § 112***

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Claims 1-17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant, in Amendment B, has pointed to page 17, lines 14-20 and page 2, line 20-page 3, line 2 of the Specification: "The present invention has been developed to solve the above mentioned problems, and aims at providing a system and a method for automatically setting the latest version of an applet by storing a program for updating the version in the method for the applet, and realizing the update of the version of the applet in the process of the applet itself.", "According to the present embodiment, the server 1 of the system is the sales office server 11 of a bank, and the client 2 is the window terminal 12 of a bank. However, the present invention is not limited to the above mentioned bank system, but can be applied to other fields such as insurance and policy systems" to provide enablement for the new limitation: "...having a single-program structure..." Examiner fails to see the relationship between the newly added limitations to all independent claims and the cited references as provided by Applicant in Amendment B, page 9, 6<sup>th</sup> paragraph.

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10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. In view of the amendments to claims 4, 5, 6, and 14, the 112 2<sup>nd</sup> paragraph rejection regarding trademarked terms is hereby withdrawn.

12. Claims 1, 4, 7, 9 & 11 and 3, 6, 8, 12 & 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding independent Claims 1 and 3 (last two lines of each claim), it is unclear that the applet which is located at the terminal unit is updated to the latest version. Claims should specifically point out which applet is updated.

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 1-9 and 11-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,360,366 to Heath et al.

Heath disclosed a client server networked environment, with an "application program...maintained at a client. In response to a call to the server from the client, the server is

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caused to download...the client compares the version...the client is updated by downloading...selected components..." (col. 2, lines 1-8).

Per claims 1, 13, and 15:

-a server having an applet storage unit storing an applet of a latest version, and having a single-program structure, and a version number storage unit storing a version number of the applet stored in the applet storage unit;

(See figure 2B. Col. 1, lines 63-66, "...maintaining on a server the components of an application program, each having a version identification and maintaining a catalog of components with the version identifications." Per Microsoft Computer Dictionary, Fifth Edition, page 31, an applet "...is a program that can be downloaded over the Internet and executed on the recipient's machine..." See figure 7A and col. 8, lines 28-31, "...components are downloaded to update the application program without leaving the Web browser at 710 and the program is executed at 712." An application program can include an applet.)

-a terminal unit having a version number information storage unit performing a process based on the applet read from said server,

(Figure 4D. A launcher at the client (terminal unit) initiates program update (col. 6, lines 44-45), reads the application information in the retrieved catalog file (downloads/stores program/applet information from server). Col. 6, lines 62-64, "Each component version number is compared (performing a process) at 418 with the current component version numbers listed in a previous

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catalog file representation stored in cache on the client...” (client/terminal unit stores its version numbers in cache/version number information storage unit)

and storing a local version number of the applet,

(Col. 7, lines 11-13, “At 432, information in the catalog file, which at least includes the list of the components of updated application program, is stored in cache on the client for use in a subsequent update.” After downloading the update details, information is stored on the client cache for future reference.)

a comparison unit reading the version number of the applet of the latest version from the version number storage unit of the central office server when a predetermined event occurs,

(Col. 6, lines 62-64, “Each component version number is compared at 418 with the current component version numbers listed in a previous catalog file representation stored in cache on the client.” The predetermined event occurs at 416 when the launcher reads the next component file name and version number of identification from the retrieved catalog file. The comparison occurs at 418, (col. 6, line 62) “Each component version number is compared...”)

and comparing the read version number with the local version number stored in the version number information storage unit,

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(Col. 6, lines 62-64, "Each component version number is compared at 418 with the current component version numbers listed in a previous catalog file representation stored in cache on the client...")

and an update unit reading the applet of the latest version from the applet storage unit of the central office server and updating the applet when the comparison unit outputs a non-matching result.

(Col. 6, line 66-col. 7, line 14, "...any component not on the client or showing different version numbers...are selected and retrieved from the specified server...Once the components have downloaded... (updating the applet when the comparison unit outputs a non-matching result.)

(See figure 4D, #416, #418, #420. Col. 2, lines 1-11, "The application program is further maintained at a client. In response to a call to the server from the client, the server is caused to download the catalog to the client and the client compares the version identifications between the components maintained on the server...and the components maintained on the client. The application program on the client is updated by downloading from the server to the client the selected components for which the version identifications do not match. The updated application program is then executed on the client.")

(Regarding the system, method, and computer readable storage medium of independent claims 1, 13, and 15, see col. 1, lines 12-13, "The present invention relates to methods and systems for



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maintaining components of application programs...” and Figures 2A, 2B and 3A which depict the computer readable storage medium.)

Heath failed to disclose:

-a central office server of a banking institution; a branch office terminal unit of the banking institution.

It is well known that client / sever networks are used in all type of businesses, including banking.

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time of the invention to have modified Heath’s invention, an application program, maintained at the client, receiving an update, responsive to a call from the client to the server, by including the option of the environment being a bank operation and branch office terminal devices because client side programs in a networked environment are well known in the banking industry. The banking business is a common example of an environment that would make use of a networked infrastructure for the purpose of increasing productivity and accuracy in business practice.

Per claim 2:

-an applet storage unit updating and persistently storing an applet of a latest version, the applet having a single-program structure;

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(See figure 3A. Col. 6, lines 6-8, "...the launcher at 308 engages the server to download the required components for a proper update...")

-a version number storage unit storing a version number of the applet stored in said applet storage unit, wherein;

(Col. 3, lines 19-21, "...version identifications of the components for the updated application program is stored on the client to be used in a subsequent update.")

-the version number is read from said version number storage unit at a version number information read request, and is transmitted to a branch office terminal unit.

(See figure 4D. Col. 6, lines 57-64, "The process for identifying the individual component files to download from the server begins at 416. At 416, the launcher reads the next component file name and version number or identification from the retrieved catalog file of the latest component versions made available on the server. Each component version number is compared at 418 with the current component version numbers listed in a previous catalog file representation stored in cache on the client.")

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time of the invention to have modified Heath's invention, an application program, maintained at the client, receiving an update, responsive to a call from the client to the server, by including the

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option of the environment being a bank operation and branch office terminal devices because updating versions of client programs in a networked environment are well known in the banking industry and increase productivity and accuracy in business practices.

Per claim 3:

-a version number information storage unit performing a process based on an applet having a single-program structure read from a central office server of a banking institution, and storing a local version number about the applet;

(Col. 6, lines 15-18, "Information in the catalog file, which at least includes the updated list of components and version numbers on the client, is stored at 317 in cache on the client until the subsequent version update.")

-a comparison unit reading the version number of the applet of the latest version from the central office server when a predetermined event occurs, and comparing the read version number with the version number stored in said version number information storage unit;

(Col. 6, lines 59-64, "At 416, the launcher reads the next component file name and version number or identification from the retrieved catalog file of the latest component versions made available on the server. Each component version number is compared at 418 with the current component version numbers listed in a previous catalog file representation stored in cache on the

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client.” Also, see col. 7, lines 59-63, “...the launcher is configured to run an update on a periodic basis, such as on a daily, weekly, or monthly basis...checks to determine if a new update is due...” (predetermined event occurs))

-an update unit reading the applet of the latest version from said applet storage unit and updating the applet when the comparison unit outputs a non-matching result.

(Col. 2, lines 7-10, “The application program on the client is updated by downloading from the server to the client the selected components for which the version identifications do not match.”)

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time of the invention to have modified Heath’s invention, an application program, maintained at the client, receiving an update, responsive to a call from the client to the server, by including the option of the environment being a bank operation and branch office terminal devices because updating versions of client programs in a networked environment are well known in the banking industry and increase productivity and accuracy in business practices.

Per claims 4, 5, 6 and 14:

-said applet is a processor-independent byte-code applet.

(Per Microsoft Computer Dictionary, Fifth Edition, page 31, an applet “...is a program that can be downloaded over the Internet and executed on the recipient’s machine. Applets are often

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written in the JAVA programming language and run within browser software...” A trademark word used in a claim renders the claim indefinite, as the owner of the trademark may change the meaning, at will.)

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time of the invention to have modified Heath’s invention, an application program, maintained at the client, receiving an update, responsive to a call from the client to the server, by including the option of the environment being a bank operation and branch office terminal devices because updating versions of client programs in a networked environment are well known in the banking industry and increase productivity and accuracy in business practices.

Per claims 7 and 8:

-predetermined event occurs when the applet becomes active.

(See figure 3A. Col. 6, lines 12-18, “The updated and verified application program is launched and executed (becomes active) at 314 followed by any post-launch activities (predetermined event) at 316 also defined in the catalog file. Information in the catalog file, which at least includes the updated list of components and version numbers on the client, is stored (predetermined event) at 317 in cache on the client...”)

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time of the invention to have modified Heath’s invention, an application program, maintained at the

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client, receiving an update, responsive to a call from the client to the server, by including the option of the environment being a bank operation and branch office terminal devices because updating versions of client programs in a networked environment are well known in the banking industry and increase productivity and accuracy in business practices.

Per claim 9:

-distributed object computing infrastructure communications are established between said central office server and said branch office terminal unit.

(Figure 3A, #302. Col. 5, lines 49-50, "...the catalog file is retrieved at 302 from the server in response to a call from the client.")

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time of the invention to have modified Heath's invention, an application program, maintained at the client, receiving an update, responsive to a call from the client to the server, by including the option of the environment being a bank operation and branch office terminal devices because updating versions of client programs in a networked environment are well known in the banking industry and increase productivity and accuracy in business practices.

Per claims 11 and 12:

-said version number information storage unit is a main memory or a disk unit.

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(See figure 3A, #300, downloadable catalog file stored on server (memory). Col. 5, lines 10-20, "The process first involves packaging a catalog file in the server. The catalog file is downloadable from the server to a client using standard network transfer protocol...the catalog file includes...a version identification...The components themselves may also be included within the catalog file...")

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time of the invention to have modified Heath's invention, an application program, maintained at the client, receiving an update, responsive to a call from the client to the server, by including the option of the environment being a bank operation and branch office terminal devices because updating versions of client programs in a networked environment are well known in the banking industry and increase productivity and accuracy in business practices.

Per claim 16:

Heath disclosed:

-an applet having a single-program structure and which performs version management independently of other applets;

(Col. 2, lines 1-10, "...application program maintained at a client...the server is caused to download...and the client compares the version identifications (performs version management)."

Additionally, see limitations as addressed in claim 1 above.)

- a server storing a latest version of the applet and a version number of the applet;

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(Col. 1, lines 63-67, “maintaining on a server...application program, each having a version identification...”)

- terminal unit storing a local version number of the applet and having a comparison unit which reads the version number of the applet on the server when a specified event occurs and which compares the read version number with the local version number, the terminal further having an update unit which reads the latest version of the applet from the server and updates the applet at the terminal unit when the comparison unit outputs a non-matching result, the terminal unit not storing in advance information of versions of a plurality of applets.

(Col. 2, lines 1-11, Catalog with version identification is maintained on the server and downloaded to the client for version comparison. Terminal unit does not store in advance information of versions of a plurality of programs (applets). Also, see limitations as addressed in claim 1 above.)

Heath failed to disclose:

- a central office server of a banking institution
- a branch office terminal unit of the banking institution

Official Notice is given that a banking institution with a central office server and a branch office are common examples of an environment that would make use of a networked infrastructure for the purpose of increasing productivity and accuracy in business practice.



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Updating programs at the terminal from a version located at the server (central office) is beneficial because it provides each remote location with current information.

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time of the invention to have modified Heath's invention, an application program, maintained at the client, receiving an update, responsive to a call from the client to the server, by including the option of the environment being a bank operation and branch office terminal devices because client side programs in a networked environment are well known in the banking industry.

Per claim 17:

-said version number information storage unit is a main memory or a disk unit.

(See response to claims 11 & 12 above. Official Notice is taken that a banking institution with a central office server and a branch office are common examples of an environment that would make use of a networked infrastructure for the purpose of increasing productivity and accuracy in business practice.)

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time of the invention to have modified Heath's invention, an application program, maintained at the client, receiving an update, responsive to a call from the client to the server, by including the option of the environment being a bank operation and branch office terminal devices because updating versions of client programs in a networked environment are well known in the banking industry and increase productivity and accuracy in business practices.

***Response to Arguments***

15. Applicant's arguments filed 24 March 2004, in Amendment B have been fully considered but they are not persuasive.

**Applicant has argued in substance, the following:**

(A) As Applicant has noted on page 10, 2<sup>nd</sup> paragraph, of Amendment B, "Heath does not teach or suggest at least reading a version number of an applet at a central office server and 'comparing the read version number with the local version number' of the applet 'when a predetermined event occurs', as in the independent claims."

**Examiner's Response:**

See rejection of independent claims 12, 3, 13, 15, and 16 above. Col. 1, lines 2-3, "...maintaining components of application programs in a client / server network...", col. 1, lines 20-32, "...each component is identified by a version number (server having an applet storage unit storing an applet of a latest version), perhaps indicating its creation date...an application program on the client can be kept current by replacing one or more of such components...The components having the latest version numbers can be maintained on the central server and distributed from the server to each individual client as needed through a standard file transfer protocol..." Col. 1, lines 47-51, "...the present invention shifts the version updating control to the individual client rather than the server...to enable version updating in an open network environment..." Col. 2, lines 2-10, "In response to a call to the server from the client (a predetermined event), the server is caused to download the catalog to the client and the client

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compares the version (comparison unit reading the version number of the applet...) identifications (branch office terminal unit...having a version number information storage unit performing a process based on the applet read from said server) between the components maintained on the servers as indicated in the downloaded catalog and the components maintained upon the client. The client is updated by downloading from the server to the client (update unit reading the applet of the latest version from the applet storage unit for the central office server...) the selected components for which the version identifications do not match (comparing the read version number with the local version number). In contrast to what Applicant has written on page 10, 1<sup>st</sup> paragraph, Heath disclosed (col. 1, lines 63-66) a catalog of components with the version identifications is maintained on a server. In response to a call by the client (branch office terminal unit / predetermined event) the catalog is downloaded to the client for a comparison. Examiner disagrees with Applicant. The Heath reference does read the version number of the program at the server (central office server) and compares it with the version number at the client (branch office terminal unit), when a predetermined event occurs (a call to the server).

**Applicant has argued in substance, the following:**

(B) As Applicant has noted on page 10, 3rd paragraph, of Amendment B, Heath “does not teach or suggest ‘a central office server of a banking institution’ nor ‘a branch office terminal unit of the banking institution’ as in the independent claims.”

**Examiner's Response:**

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These are newly added limitations to the independent claims. As such, a 103 obvious type rejection has been made for all claims. It would have been obvious to use a client / server update technique, such as disclosed by Heath, to update applets in a business involving a “central office server of a banking institution” and “a branch office terminal unit of the banking institution” because a bank is simply a type of business with distributed office facilities that use a network to enhance productivity.

**Applicant has argued in substance, the following:**

(C) As Applicant has noted on page 10, 7th paragraph, of Amendment B, “there is no motivation or suggestion to modify Heath.”

**Examiner's Response:**

In response to applicant's argument that (page 10, 6<sup>th</sup> paragraph of Amendment B) “there is no motivation or suggestion to modify Heath” (client / sever networks are used in all types of businesses, including banking), Examiner disagrees, the reference would have suggested to those of ordinary skill in the art to combine the updating feature of a distributed network to include a banking business.

Examiner maintains the rejections of claims 1-9 & 11-17.

***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

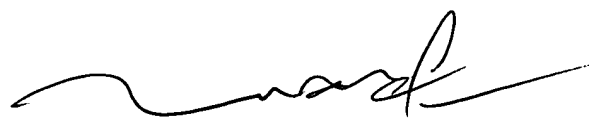
18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Steelman, whose telephone number is (703) 305-4564. The examiner can normally be reached Monday through Thursday, from 7:00 A.M. to 5:30 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on (703) 305-4552.

The fax phone number is (703) 872-9306 for regular communications and for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Mary Steelman



05/18/2004



**TUAN DAM**  
**SUPERVISORY PATENT EXAMINER**